

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEONNMO RAMIREZ HERNADE,

Plaintiff,

ORDER

-against-

21-CV-6546 (KAM)

NOMI DELI & GROCERY INC., et al.,

Defendants.

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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

By Order dated May 2, 2022, this Court scheduled a hearing to be held on May 11, 2022, in connection with plaintiff's counsel's motion to withdraw. See Order (May 2, 2022). The Court warned plaintiff that if he failed to appear for the May 11th hearing, this Court would grant his counsel's motion to withdraw and might impose sanctions, including but not limited to the dismissal of the action with prejudice. See id. Plaintiff's counsel communicated the Court's Order to plaintiff via telephone and text message (with Spanish translations). See Minute Entry (May 11, 2022), DE #16.

Despite receiving actual notice of the May 11, 2022 hearing, plaintiff failed to appear as directed. See id. Accordingly, the Court granted counsel's motion to withdraw, set a deadline of May 31, 2022 for incoming counsel to file a notice of appearance on plaintiff's behalf, and extended plaintiff's deadline to move for default judgment. See id. The Court advised plaintiff that if no notice of appearance were filed by that deadline, plaintiff would be responsible for conducting the litigation on his own. See id. The Court also warned plaintiff that his case might be dismissed with prejudice if he violated any further court orders. See id.

Outgoing plaintiff's counsel sent a Spanish-language translation of the Court's minute entry to plaintiff by regular mail and email, at the Court's direction. See id.; Certificate of Service (May 13, 2022), DE #17.

To date, plaintiff has failed to respond to the Court's Order or to file a motion for default judgment, nor has he taken any other steps to pursue his claims. Nevertheless, the Court declines at this point to recommend dismissal of the case based on plaintiff's failure to prosecute. *Pro se* plaintiff Jeonnmo Ramirez Hernade is given one final opportunity to demonstrate that he wishes to pursue his claims and is prepared to fully comply with his obligations as a party and to obey court orders. The Court will tolerate no further violations on his part.

By October 27, 2022, plaintiff must file with the Court a motion for default judgment, and plaintiff must serve a copy of his motion on defendants and must serve and file a letter confirming that he has done so. Plaintiff is warned that should he fail to timely and fully comply with this Order, this Court will issue a Report and Recommendation that his complaint be dismissed with prejudice. The Court encourages Mr. Hernade to consult with the Federal Pro Se Legal Assistance Project; its flyer (with a Spanish-language translation) is attached to a copy of this Order.

SO ORDERED.

**Dated: Brooklyn, New York
September 29, 2022**

/s/ *Roanne L. Mann*
ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE